IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 31ST JANUARY 2007 / 11TH MAGHA 1928

WP(C).No. 114 of 2007(L)

PETITIONER:

CIRON DRUGS & PHARMACEUTICALS PVT.LTD.,
1, PRABHATH NAGAR, GROUND FLOOR,
JOGESHWARI (WEST) MUMBAI-400 102, REP. BY ITS
LAISON AGENT R. RANGANATHAN, S/O.T.K. RAMADURAI,
NO.24, DEVARAJA MUDALI STREET,
CHENNAI-600 003.

BY ADV. SRI.BIJU BALAKRISHNAN

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED BY
THE SECRETARY, HEALTH AND FAMILY WELFARE
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE CENTRAL PURCHASE COMMITTEE,
DIRECTORATE OF HEALTH SERVICES,
THIRUVANANTHAPURAM-37, REPRESENTED BY ITS
CHAIRMAN.

3. THE DIRECTORATE OF HEALTH SERVICES,
RED CROSS ROAD, THIRUVANANTHAPURAM,
REPRESENTED BY ITS DIRECTOR.

BY GOVT. PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN, J

W.P(C).No.114 OF 2007

Dated this the 31st day of January, 2007

JUDGMENT

Heard learned counsel for the petitioner and learned Government Pleader.

2. The issue attempted to be raised in this writ petition is as to the justifiability of a decision of the Central Purchase Committee to effect deduction from certain bills of the petitioner on the ground that certain materials, including Oil Turpentine, supplied by the petitioner was substandard in quality. Such issues would have to be primarily considered by the Central Purchase Committee, for which the petitioner has made Exts.5 to P7 representations.

3. Learned Government Pleader submitted that the Central Purchase Committee has decided the matter on 25.10.2005, rejecting the requests of the petitioner. It is the stand of the petitioner that no such decision has been communicated to him.

It is also the case of the petitioner that he was not heard before taking any such decision.

In the aforesaid circumstances, this writ petition is disposed of directing that if the Central Purchase Committee is of the view that they have concluded on the issue, a copy of the decision referred to above will be communicated to the petitioner within a period of three weeks from now. However, if the Central Purchase Committee is of the view that the petitioner can be given an opportunity of hearing, the petitioner will be heard and a decision taken afresh on his representations within a period of two months from the date of receipt of a copy of this judgment.

THOTTATHIL B.RADHAKRISHNAN
Judge

kkb.